

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

Ascentium Capital, LLC,

Plaintiff,

v.

Dean K. Otaka MD, Inc., et al.,

Defendants/Third-  
Party Plaintiffs,

v.

Cynosure, LLC,

Third-Party  
Defendant.

No. 22-cv-1473-KJM-KJN

ORDER

On July 6, 2023, this court directed parties to submit a joint status report regarding the status of settlement and whether plaintiff's pending motion for summary judgment is moot. ECF No. 48. As of the date of this order, parties have not filed any documents with the court. Thus, **plaintiff is ordered to show cause within fourteen days** why this action should not be dismissed for lack of prosecution under Federal Rule of Civil Procedure 41(b). *See Hernandez v. City of El Monte*, 138 F.3d 393, 399 (9th Cir. 1998) (citing *Henderson v. Duncan*, 779 F.2d 1421 (9th Cir. 1986)). Additionally, the **court vacates the hearing for plaintiff's motion for summary judgment scheduled for August 11, 2023, ECF No. 42.**

IT IS SO ORDERED.

DATED: July 19, 2023.

  
CHIEF UNITED STATES DISTRICT JUDGE